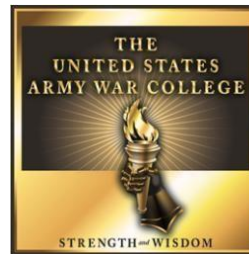


Transparent Sea: Managing Cooperation in the South China Sea

by

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Abstract

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Transparent Sea: Managing Cooperation in the South China Sea

Author and analyst, Robert D. Kaplan, casts the South China Sea as the next epicenter for Great Power conflict in the twenty-first century, much as the plains of Europe were in the twentieth century.¹ With its sea lanes carrying over half of the world's annual commercial shipping tonnage, access through the South China Sea (hereafter SCS) ranks among important interests to virtually every country participating in the global economy. Considering its waters hold some of the world's most productive fisheries and its seabed offers the potential for vast hydrocarbon deposits, littoral states laying claim to its wealth understandably view their SCS interests as vital to keeping their governments viable. The conflicting nature of littoral claims, regional geopolitical dynamics, and a transition in the balance of international power elevate the sensitivity of human activities in this relatively small maritime domain.

With so much in terms of national interests at stake and a high volume of military activity working in close proximity to safeguard them, parties involved in the SCS must develop ways of managing tensions that inevitably accompany sensitive interactions. Often of their own accord, military or paramilitary encounters at sea invite miscommunication, misinterpretation of actions, and miscalculation of intent that amplify tension as the interaction continues. Confidence building measures between militaries provide means for countering this escalation, attenuating tensions in a crisis by activating previously agreed upon protocols of conduct and communication.

While all confidence building measures (CBM) generate a degree of improved communication, transparency of intent, and predictability, the magnitude of beneficial outcomes beyond these becomes a function of how well interests align between the parties. Participating militaries whose interests narrowly align expect limited outcomes from CBMs that include primarily avoiding escalation towards unintended open conflict, a condition usually at odds with the country’s vital interests. When countries share broadly aligned interests, however, their militaries can expect much more from CBM activities. Backed by abundant political will and often a baseline of mutual trust, militaries engaging in CBMs under these conditions expect to enhance interoperability for conducting future collective endeavors (see Figure 1). Expectations for successive or iterative CBM activities, likewise, include exchange of subject matter expertise that improves collective capabilities.

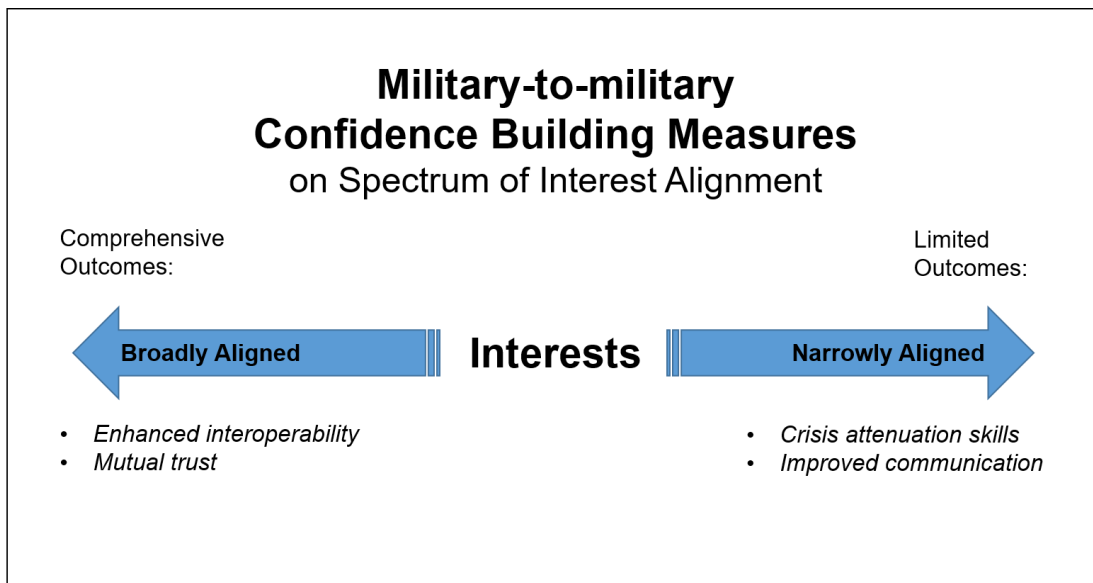


Figure 1. Expected CBM Outcomes as a Function of Interest Alignment

Interests among various parties in the SCS span a wide range of alignment, thus shaping expectations for CBM activities. For the Great Powers safeguarding their SCS

interests, expected outcomes driving CBM activities include developing mechanisms for attenuating tension during a military encounter that provide their governments with decision space to choose options short of violence. The People's Republic of China (PRC) has pursued CBM activities with the U.S. in the past for the purpose of rehearsing "unplanned" encounters at sea during controlled exercises to gain a measure of predictability—thus, avoiding escalation that narrows their governments' options for responding. CBM activities between the PRC and treaty allies like Japan would also narrowly lie in U.S. interests for the same reason—military encounters between them resulting in an allied fatality could invoke the treaty and place the U.S. at war against China over what would otherwise have been an engagement of peripheral interest. Conversely, allies like the Philippines or partners like Singapore would expect CBM activities with the U.S.—with whom it shares broader interest alignment—to result in improved interoperability between the forces, as the exercises familiarize the militaries with their respective capabilities, doctrines, and standard operating procedures.

For CBM activities in the SCS to contribute to regional stability, they must be carefully managed and designed to accommodate the wide range of interests held by participants. This requires assessing the current climate for CBM activities and seeking opportunities. Regional stability implies that Great Powers first achieve the limited CBM outcomes of averting and/or managing crisis and then explore further interest alignment to improve mutual trust. U.S. allies and partners must pursue politically sustainable CBM activities, managed through a framework that can improve interoperability and collective capabilities. Best practices and "norms" of conduct established through

successful CBMs between U.S. and partners should then be incrementally shared among other regional actors, possibly while collectively addressing common non-traditional security threats. Shifting CBM activities between Great Powers in the SCS to thus accommodate broader alignment of interests will also increase expected outcomes, including contributing to predictability and modest gains in political resiliency (if not trust) to mitigate inevitable incidents.

Changes in CBM Climate

To develop an acceptable approach to selecting CBM activities, participating militaries must first assess the interests and political climate among stakeholders in the SCS. Changes in climate have in some cases narrowed interest alignment between prospective participants and have broadened alignment between others. The assessment allows for expected CBM activity outcomes adjustment commensurate with changes in interest alignment

Chinese Assertiveness: An Opportunity to Break the Status Quo

The US and most of its Cold War allies refused to recognize the People's Republic of China for the first thirty years of its existence, effectively sidelining its concerns of national interest during that time². With resolution of several territorial disputes among them, its exclusion left "China as a disgruntled outsider that sought the destruction of U.S.-led international system" as Dr. David Lai describes in his 2013 monograph. The PRC experienced a dramatic shift in the late 1970s with its international recognition and the beginning of U.S. rapprochement. China embarked on well-conceived policy reforms aimed at improving its international stature through economic growth. In doing so, it sought to shore up relations with Southeast Asian neighbors by adopting a two-pronged approach that included improving diplomatic and

economic ties with these countries while agreeing to shelve contentious territorial disputes within the South China Sea³. The PRC demonstrated consistency with this approach, taking active steps to mitigate the spread of the Asian financial crisis in 1997, brokering the ASEAN-China free trade agreement (ACFTA), and (with the notable exception of clashes with Vietnam) keeping most of its protests of infringement upon its territorial claims from escalating into violence. Rather than an expression of the peaceful nature of the Chinese people, the restrained approach would give the country time to build its economic, military, and international political power to a point where no country would choose to confront it⁴.

Though China declared its intent toward a peaceful rise and continued working within international norms through most of the 2000s, it sensed windows of opportunity closing with respect to its SCS claims and opening in terms of its power relative to the United States. The PRC had ratified the United Nations Convention on the Law of the Sea (UNCLOS) in 1982, embarked on a Declaration on the Conduct of Parties in the South China Sea (DOC) in 2002, and other cooperative initiatives in the region but found itself no closer to resolving disputes on claims to features within what it considered its territorial waters. Other claimants took steps to demonstrate control of the features—a key consideration when resolving through international arbitration—despite the PRC's appeals to refrain. Instead of improving conditions for negotiations, tensions surrounding the disputes continued to intensify⁵. China sensed that it would not have the luxury of waiting several more decades to settle disputes and looked instead for an opportunity to assert its growing power.

By the end of the decade, circumstances within China and internationally signaled that the time had arrived for it to assume its rightful place as the preeminent power in the Asia-Pacific region. A global financial crisis emerged from within the U.S. and Western powers in 2008 as these states remained engaged in protracted wars in Southwest and Central Asia. Beijing, meanwhile, displayed its stature that year as it hosted the Olympic Games and stood poised to overtake Japan as having the world's second largest Gross Domestic Product. The PRC had dramatically increased its economic influence over other Asia-Pacific nations by 2010, doubling the volume of trade with these countries compared to that achieved by the United States⁶. China had rapidly expanded its maritime military power, including embarking on construction of its first aircraft carrier. With the U.S. announcement in 2011 of its intent to reassert its presence in the Western Pacific through a rebalance to the Asia-Pacific region, China perceived that this was the time to insist upon protecting its core interests that included its SCS claims.

The PRC's new approach to dealing with disputes in the SCS began to steadily erode conditions necessary to for avoiding or mitigating conflict. Whether by unstated design or unfortunate circumstances, attempts at cooperation and confidence building measures between ASEAN and the PRC began falling short of earlier aspirations. Areas identified for cooperation in the 2002 DOC, including proposed CBMs collaboratively addressing several non-traditional security issues, stalled beginning in 2009.⁷ The PRC's insistence upon all parties conforming to items negotiated within the DOC before proceeding with a binding code of conduct—despite its own violations of self-restraint from inhabiting uninhabited SCS features outlined in the document's

paragraph five—has created an impasse.⁸ This impasse has generated perception that Beijing has deliberately tabled its initial pledges to cooperate in the SCS indefinitely until its nine-dash line (NDL) claims develop from the realm of dispute to acceptance as a fait accompli.

Japan and the Shadow of a Rising China

As the PRC's role shifted from working within international norms toward shaping itself as an alternative to western institutions, Japan viewed the development as a threat to its vital interests. Though long-standing suspicions between Japan and its neighbors continued to exist since prior to World War II, these had yet to manifest in ways that threatened the international order established in the wake of the San Francisco Peace Treaty of 1952. As the PRC embarked upon rapid expansion of their maritime military capacity (including adding 20 ocean going patrol vessels from 2004-2008 with plans to increase by 30 more from 2011-2015),⁹ Japan correctly perceived its military power declining relative to the PRC. Whereas the PRC pursued its claims to the Senkaku/Diaoyu Islands through the UN Commission on the Limits of the Continental Shelf (CLCS), it simultaneously stepped up its military presence in these waters. Add to the list of discomfiting trends the realization that Japan's treaty ally, the U.S., has simultaneously reduced its military posture in East Asia (e.g., downsizing forces based on the Korean Peninsula, reduced carrier group presence, redeploying a special operations task force operating in the Southern Philippines since 2001). These concerns combined have raised alarm within the Japanese government, providing impetus to increase its defense posture.

In addition to increasing its military expenditures to offset the shifting balance of power in East Asia, Japan's government took bold political measures to secure its

interests in the home territories and near abroad. In September 2015, the Japanese parliament passed bills reinterpreting Article 9 of its constitution, enabling its military to engage in collective defense activities with overseas allies for the first time in the constitution's 70 year history¹⁰. The reinterpretation allows the Japanese Self Defense Force more latitude than ever to conduct military-to-military engagement and security cooperation within Southeast Asia, which it has increasingly exercised.

U.S. Reawakens through Rebalance

Perhaps in response to the perception by allies and adversaries alike of its withdrawal from the Asia-Pacific region, the U.S. reaffirmed its enduring commitment to interests there. First heralded by then-Secretary of Defense Robert Gates at the Shangri-La Dialogue in June¹¹, the rebalance to the region became stated policy during President Obama's address to the Australian Parliament in November of 2011. America was and would continue to be a Pacific power.¹²

The U.S. would not, however, attempt the rebalance unilaterally. Fiscal concerns within the U.S. and indications of continued global economic weakness had validated causes for concern among allies and partners in the region. Rather than dictating a strategy of disengagement in the region, America's ability to safeguard its interests and those of all parties to international law would depend upon a reinforced network of partnerships¹³.

Espousing the ideal that only international law created within global institutions assures fairness and just dealings, the U.S. would promote dispute resolution through these institutions or similar multi-national organizations. America and law-abiding countries with interests in the SCS vowed to confront activities by any parties seen as dismissive of collectively established norms. In view of the PRC's new strategy toward

security interests above all matters in the SCS, the U.S. would apply its attempts to reinforce a shifting status quo against the PRC's momentum—emerging in the form of establishing new norms within its NDL claims that diverge from existing norms. Stakeholders of international law in the region would build the bulwark against this momentum.

While not exclusive of the PRC—a nation that all parties wish to see as a stakeholder of international law—the U.S. strategy focuses on increasing capacity for enforcing norms in portions of the SCS vital to international economic interests: the global commons. The strategy begins with assessing the ability of countries whose Economic Exclusion Zones (EEZ) include heavily-used sea lanes to identify and interdict illicit activities within them. Strategic objectives include increasing their capacity and improving critical capabilities. Increasing capacity includes not only multiplying a partner country's organic military or law enforcement assets but seeking ways to pool multinational resources. Capabilities targeted for improvement within the U.S. strategy would facilitate this end with the intent of creating a seamless network to detect and intercept disruptive activity in critical tracts of the global commons.

Confidence building attempts by the U.S. within the disputed waters included in the NDL would likely meet the same fate as CBMs pursued by ASEAN within the 2002 DOC. Efforts would likely entail conditions that all parties either could not or would not be willing to meet as prerequisites to cooperation. Because of its stake in sovereignty claims to these waters, the PRC would either expect consultation by outside powers (including the U.S. or Japan) or assert itself to thwart CBMs that threaten its claims militarily or diplomatically. Pursuit of CBMs within the SCS but outside of China's

territorial claims affords the U.S. the greatest chance of success reinforcing rule of law in the global commons. Furthermore, a focus of developing capacity and improving capabilities in areas not in dispute avoids perception of America's choosing sides in the disputes—a position the U.S. consistently seeks to avoid.

The United States' commitment to enduring interests centered on rule of law in the Asia-Pacific region and Japan's expanded willingness to buttress international norms mark the most significant changes to the status quo since the PRC changed its strategy toward shaping a new normal. All three powers deserve consultation in shaping an improved status quo, but none should be allowed to unilaterally disrupt efforts to promote cooperation and stability in a region where tensions continue to gradually escalate. In light of the circumstances, the U.S. must focus efforts on a limited portion of the South China Sea where global sea lanes converge and illicit activity poses the greatest threat to economic security of Pacific nations or those that do business with them. Confidence building and strengthening of networks in this area outside NDL disputes serves to lay a much needed foundation for cooperation that reinforces international norms.

Focused CBM Efforts: Laying a Foundation for Normative Behavior

Threats to international law take many forms, ranging from a government executing policies that disrupt norms to small bands of transnational criminals violating peaceful merchant traffic. Since pre-colonial times, the same factors that have promoted commerce in the southernmost portion of the South China Sea have attracted forces to prey upon it.¹⁴ Poorly governed expanses of sea as well as crowded trafficable chokepoints provide favorable conditions for illicit human activities that include piracy,

drug- and human-trafficking, arms smuggling, and logistical support to terrorism in the region.

Just as sea lanes and the nexus of organized crime converge at the southernmost tip of the SCS, so do many common interests of parties that lay claim to or transit the area. Until recently, littoral states' assertion of their sovereignty interests constituted paramount importance in areas plagued by criminal networks, despite an acknowledged lack of capacity to enforce laws within their jurisdiction¹⁵. States like Indonesia and Malaysia had rebuffed offers of naval assets from countries like the United States on sovereignty grounds, while occasionally voicing frustration at dedicating limited resources to protecting foreign commercial vessels whose countries do not share costs of law enforcement¹⁶. A change in the PRC's approach to asserting its SCS claims has necessitated that these states reassess how to protect their respective sovereignty interests. Cooperation with foreign militaries on non-traditional security threats within their waters aligns and achieves collective interests of protecting commerce in the global commons while improving littoral countries' capacity to resist traditional external threats to their waters. This alignment allows for more comprehensive outcomes of CBM activities, including enhanced interoperability.

Shifting attitudes toward methods of preserving sovereignty and toward widening the pool of potential contributors to collective security of the global commons has inspired new strategies. In its progress report of the Obama administration's rebalance to Asia-Pacific, the Center for Strategic and International Studies (CSIS) offered what it calls a "federated approach" to safeguarding interests of the U.S. and its allies or partners in the region.¹⁷ The approach calls for coordinated consideration of what

capabilities to share and collectively develop among a regional network of partner and allied militaries. These include militaries with extensive and advanced capabilities such as Japan or Australia as well as others with much less in the way of defense resources. By focusing on the corresponding interests (i.e. ends) and developing plans to comprehensively enhance security capabilities (i.e. ways), the collective multinational resources (i.e. means) can apply to a forward-thinking strategy called for in CSIS' federated approach¹⁸.

While developing a comprehensive strategy falls beyond the scope of this research, confidence building measures outlined below can reinforce such a strategy (as possible ways) provided they meet three criteria. First, CBMs must pursue ends that all parties can politically sustain. Second, CBMs must provide a foundational framework for pooling resources and promoting interoperability. Third, they must support the comprehensive strategy by prioritizing the capability-building efforts.

To be of value to a strategy for safeguarding collective interests in the SCS, confidence building measures must prove politically sustainable in a number of areas. Even though the PRC's assertiveness on interests within the NDL may have shifted attitudes of some ASEAN members toward cooperation, sovereignty still remains of paramount importance when exploring CBMs. Efforts that pursue the primary interest of safeguarding international order—by enforcing established rules, establishing norms of conduct, and strengthen existing collective institutions—reinforce sovereignty by default. By focusing CBM activities in the SCS outside the disputed claims, their success no longer depends on politically charged interpretations of sovereignty.

To achieve political sustainability, CBMs must address both internal and external security concerns. Demonstrating the value of efforts to domestic constituents poses a critical prerequisite to all parties. For those militaries who are not littoral states of the SCS such as the U.S. or Japan, constituents must accept that the CBMs safeguard their economic prosperity and support international order. Littoral states working with outside parties must convince their constituents that the CBMs, first and foremost, meet domestic security challenges. These challenges may include internally-focused, non-traditional security concerns posed by piracy and organized crime or mitigating human security concerns posed by natural disasters. Domestic audiences of littoral states may also recognize that CBMs ultimately contribute to defending against external, traditional security threats. In light of sovereignty concerns mentioned above, littoral state constituents must independently conclude that their participation in CBM activities contributes more value to their own security than that of major powers, or even the collective security as a whole.

Another prerequisite for achieving political sustainability involves the prospect that CBMs contribute to regional stability through gradual improvement of collective security capabilities. A dramatic, rapid growth of capabilities within the SCS similar to that pursued by the PRC over a recent two-year period threatens to destabilize stability in the region, making sustaining CBM activities politically difficult. Littoral states' interests individually include avoiding antagonizing formidable trading partners such as the PRC. A *multinational* (as opposed to bilateral) approach to improving states' capabilities through CBMs, conducted along multiple lines of efforts over time, serve to downplay anxieties of any one stakeholder in the SCS. Disarming stakeholders from

politically interfering with ongoing security cooperation, thus, creates a sustainable footing for all parties.

Once this political footing is established, CBM activities must provide a foundational framework for pooling collective resources and promoting interoperability of security forces. Whether structures for facilitating unified action among all parties evolve as the result of CBM activities or are created as a prerequisite proves inconsequential as long as efforts create this organization early. These structures should provide focal points for coordinating with multinational institutions built to address non-traditional security challenges (e.g. INTERPOL, IMB-PRC, ReCAAP, etc.)¹⁹. They also provide means for collaboration and interface between diplomatic missions to align efforts and identify complementary activities.

As improving security posture from traditional, external threats becomes an eventual objective of CBM efforts, organizations such as sub-unified joint commands built to direct military activities become optimal choices for coordinating unified action. The CSIS report identified the need for a standing U.S. joint task force (JTF) forward stationed in the Western Pacific to enhance collective security.²⁰ Implementing this recommendation and transitioning the JTF into a combined joint task force (CJTF) would leverage a structure competent in coordinating multinational security efforts. A corresponding joint-interagency task force programmed into the CJTF structure or provided separately would accommodate interface with diplomatic mission activities as well as international or relevant non-governmental agencies. A sub-unified command provided by the U.S. Pacific Command could provide a supporting role to partner or allied joint operations commands in the region, coordinating U.S. contributions to CBM

activities at the operational level and capturing interoperability best practices or enduring challenges. Coordination with littoral state militaries in the SCS would require liaison teams embedded with these partner militaries, either coordinating CBM activities in lieu of or in concert with a CJTF.

Whether by establishing a CJTF construct or other frameworks, a centralized coordinating body must develop systems, procedures, and coordinating measures that organize CBM efforts. Coordinating measures can take the form of establishing boundaries for operating zones that respect littoral state sovereignty while consolidating capability-building activities. These bounded areas could be designated “maritime transit zones” for which standard operating procedures can be tailored to the intentions of sovereign partner militaries owning these zones. Maritime transit zones (MTZ) would provide a framework from which to establish maritime domain awareness, to codify authorities based on agreements between the owning states and partner security forces operating with them, and upon which to base a system of allocating collective resources. Voluntarily adopting assigned, apportioned, and allocated relationships of collective resources oriented to MTZs—similar to methods used by U.S. geographic combatant commands to guide the distribution of their assets—creates a unified systematic employment of multinational forces. MTZ boundaries, collectively agreed upon by adjoining littoral states, could correspond to “hot spots” of illicit activities or as a vehicle for prioritizing CBM activities toward improving capabilities.

Politically sustainable CBM activities, directed systematically from within an agreed upon framework, that work toward *prioritized* strategic capability goals satisfies the third and final criterion. CBM efforts meeting internally- and externally-focused

security objectives must follow priorities that support the comprehensive strategy. These priorities would likely include improving maritime domain awareness through improving capabilities of monitoring ground-based activities from which seafaring criminals operate; improving analysis of criminal networks; as well as improving organic intelligence, surveillance, and reconnaissance (ISR) capabilities. In addition to developing analytical expertise, multinational interagency and military partners would focus on improving information sharing and intelligence disclosure capacity. The desired outcome of CBM activities within these priorities would include establishing a common operational picture—perhaps corresponding to MTZ if not one more widely shared—upon which current interdiction efforts could be based. Success in posturing security forces to effectively interdict illicit activity would thereby achieve objectives against both internal and external threats.

Capability enhancing CBM activities could be prioritized and tailored to specific zones. Sovereign zones of littoral states such as Singapore with advanced capabilities could seek highly technical solutions to capability gaps such as expanding sensor networks and fusing inputs from a wide array of sources. These sources would include space- or aerial-based platforms (e.g., aerostats, fixed-wing reconnaissance, complex unmanned aircraft systems, signal intercept), surface-based sources (measurement and signature intelligence such as naval or ground-based radar, acoustic sensors), and sub-surface sources (submarines, unmanned underwater vehicles, other passive sensors). Sustainable but less technical solutions for improving real-time maritime domain awareness in other littoral states' zones would focus more on surface-based sources using affordable unsecure communications or increasingly available internet services

that may be encrypted²¹. Human intelligence sources must also be incorporated, particularly when understanding criminal networks, though fusing with real-time feeds becomes more challenging. Regardless of the technology used, CBM activities help build capabilities insofar that they integrate and share multiple sources in meaningful ways, creating common situational understanding. Mutual confidence and improved interoperability grow from overcoming language or cultural obstacles that are codified into standard operating procedures.

Producing positive outcomes requires tailoring CBM activities to address capability needs of partners in their sovereign zones and doing so in accordance with strategic priorities. CBM activities, if planned and executed within a framework that leverages a vastly expanded multinational capacity to patrol bounded subsets of the global commons, can greatly improve interoperability—as predicted where interests align broadly. Collective maritime domain awareness of illicit activities and enhanced understanding of criminal network organization on land improves through CBM activities that expand the operational reach of security forces. By addressing littoral domestic demands for internal security while posturing to improve defense against external threats to international order, CBM activities achieve political sustainability that increase chances of success. In this manner, security cooperation through CBM efforts effectively expand control and shed light on ungoverned portions of global commons within the SCS.

Broadening CBM Aperture to Promote Regional Stability

Building confidence, improving interoperability, and establishing persistent norms through CBMs requires starting small and building upon success. Such an approach calls for selecting a small number of close allies or partner, preferably with whom an

interoperability baseline already exists. Initial CBM efforts should focus within a relatively small geographic area within which partner expertise can be applied to achieve greatest effect. With efficacy demonstrated on a small scale, CBM efforts can be incrementally widened to accommodate more contributors, eventually over a larger geographic footprint.

Starting small with respect to participants in CBM activities focuses more on matching closely aligned interests and limiting confusion than portraying exclusivity. While the activities should include multiple security force partners (versus bilateral engagement) for the sake of political sustainability, at least two of the participating countries should already possess a degree of interoperability from previous engagements. If Malaysia and Singapore conduct CBMs with the U.S., for example, the first two countries bring an interoperability baseline established through their participation in a number of combined endeavors including a tripartite cooperative patrolling known as Malsindo (Malaysia, Singapore, and Indonesia) Coordinated Patrols.²² The U.S. and Singapore participate in a number of conventional and special operations security cooperation events annually, ensuring a degree of familiarity between these forces as well. Collectively refining those communication protocols and procedures that have worked in the past quickly builds momentum and mutual confidence in abilities.

Limiting the area within which participants conduct CBM activities serves to simplify oversight while concentrating expertise in ways that maximize payoff. For example, if one multilateral CBM involving four parties (Singapore, Malaysia, Indonesia, and the U.S.) concentrated within a small portion of the SCS approaching the Strait of

Malacca, zones defined within a subset of territorial waters and EEZs could be used to prioritize objectives (see Figure 2). CBMs conducted within maritime transit zones 1 & 2 could build upon Malaysian and Indonesian experience conducting coordinated patrolling while U.S. participants could work with counterparts on mapping criminal networks based in their respective territories. The U.S. could also offer expertise on conducting command and control of multinational security forces, focusing on communications protocols and “target hand-off” procedures across boundaries. The U.S. would gain best practices from both partner nations with the intent of sharing these during future CBM efforts.

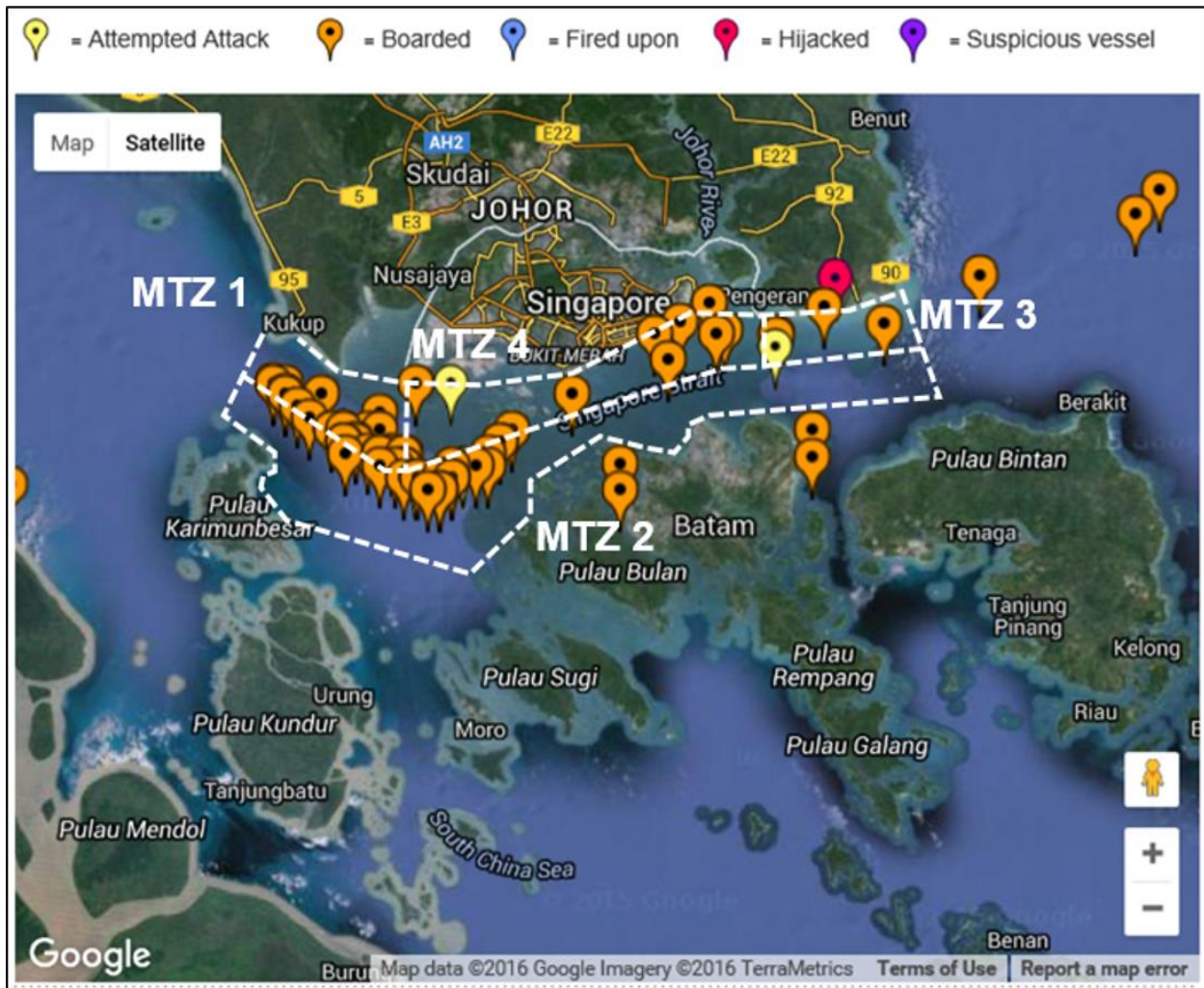


Figure 2. Maritime Transit Zones Projected Over IMB-PRC Map Depicting Piracy Events in 2015.²³

Through coordinated planning with other partners, future CBM activities could leverage other areas of expertise to build capabilities. The standing CJTF (if created), would bring visibility of U.S. Title 22 activity (e.g., foreign military sales) via liaisons with diplomatic missions to littoral partner states, possibly synchronizing them with during scheduled CBM activities. For example, a scheduled multinational CBM between voluntarily “apportioned forces”—in this case Australia, Singapore, and Indonesia—could focus across MTZs 2 and 4 (see Figure 2) on sensor fusion between Singapore aerostats and Australian submarines. Australian vessels could subsequently practice

hailing protocols with a new Indonesian vessel acquired from the U.S. conducting its sea trials.

As cooperation generates demonstrable success in creating persistent norms and enhanced interoperability, other countries with aligned interests in the region would seek to participate. Broadening of countries that voluntarily contribute assets to the collective pool would need to increase incrementally over extended periods. This approach consolidates gains by allowing adequate iterations of CBMs by the initial core participants to make norms persistent. In other words, after sufficient practice and refinement, participants codify standard operating procedures and protocols into established norms. The initial core participants will have achieved important consensus and buy-in. While additional participants may offer improvements, it would be up to the previous participants that shaped the norms to accept proposed adjustments. Such an approach also precludes countries interested in disrupting norms from obstructing progress by their early involvement.

One grasps the logic behind the approach by examining its converse. If the U.S., its allies, and partners extend invitations to CBM activities too broadly and too early to countries with interests diverging from reinforcing international order, chances increase for obstructionist behavior—even on efforts as simple as codifying technical procedures. Parties to the 2002 DOC manifested this behavior, with the PRC reversing the trend of cooperation by insisting that parties first adhere to all of the DOC's terms (despite its own deviations) before proceeding on creation of a binding Code of Conduct—the ultimate goal of the DOC. In this complex atmosphere of high politics, even simple technical confidence building measures become casualties.

Conclusion

Confidence building measures succeed or fail to the degree that they improve transparency of intent during unplanned military encounters and joint endeavors. Transparency allows correct interpretation of actions by the parties involved, reducing fear and uncertainty. Reduced fear/uncertainty results in predictability—a condition that allows for deliberate decision making to prevail. At the macroscopic level of international relations, predictability between countries' respective militaries profoundly contributes to stability.

The magnitude of value countries can expect from military CBM activities depends upon interests at stake, as potential CBM outcomes are a function of interest alignment between the countries. Where state interests appear largely at odds and only narrowly aligned, participating militaries can only expect to improve communications and collectively refine procedures for avoiding or deliberately managing a crisis encounter. These expectations contrast dramatically with those of militaries enjoying broad alignment of interests, where CBM efforts deliver improved accommodation of complementary capabilities, collectively derived tactics and procedures, and enhanced confidence in partner military competence. Through successive iterations over time, these outcomes translate to militaries that enjoy genuine, mutual trust and respect.

To achieve outcomes of rehearsals developing into normalized behaviors, CBM efforts must meet a short list of prerequisites. The CBM activities must prove politically sustainable, in that they are based upon respect that includes sovereignty and that they equitably contribute to reinforcing multiple parties' aligned interests against internal or external threats. Collective efforts must create a framework to manage both current and future cooperation through CBM activities. Structures developed could include a

standing CJTF from countries with capacity to sponsor one through which collective resources would be pooled and managed to greatest effect²⁴. Finally, CBM activities must trend toward inclusivity by building on success. Norms established through multiple successful CBM iterations between a small number of partner militaries serve as a baseline for incrementally including other militaries.

Broadening the collective of military cooperation requires careful deliberation, but is ultimately essential for regional stability. Candidate countries for either core member status or earliest accession to CBM activities includes one whose military has very advanced capabilities, extensive capacity for partnership, and with whom the U.S. already possesses a baseline of interoperability—Japan. No one knows how complicated attitudes toward Japan run among East and Southeast Asian countries than the Japanese government. Unresolved issues stemming from Imperial Japanese conduct prior to and during World War II haunt its efforts to partner with some militaries in the region. Despite historical complexity, few militaries in the region have equivalent means to both uphold existing international law and the will to resist the gradual coercion practiced by the PRC recently to secure its territorial interests. Potential partners may find the timing to resolve grievances with Japan optimal, as it coincides with a fresh political perspective on collective defense by the Japanese government evident in their constitutional reinterpretation.

CBM efforts achieve predictability between proximate militaries essential to regional stability and will arguably do so with or without participation of the PRC. Including the PRC, however, dramatically improves prospects for lasting stability and increasing cooperation. Once preliminary rounds of CBM activities produce what can be

considered multinational norms between a small number of militaries, the PRC must be invited to contribute to addressing non-traditional security threats in the SCS.

Since at least 2010, the PRC has transparently communicated its SCS interests and its intent to jointly cooperate on non-traditional security threats. Though it increasingly assumes risk of appearing bellicose in pursuing interests within the NDZ, China consistently maintains a desire to “enhance exchanges and cooperation with naval task forces of other countries, and jointly secure international [sea lines of communication]”²⁵. According to the IMB-PRC, the bulk of piracy incidents threatening SCS sea lanes occurred south of the NDZ in 2015²⁶—revealing data that open opportunities for China. Most notably, these include the opportunity for the PRC to demonstrate responsible partnership in regional security and to display teamwork based on respect of sovereignty without compromising its core interests elsewhere in the SCS.

Through CBMs, the U.S., its partners and allies in the region, and China stand to achieve narrowly aligned interests of what the PRC calls “the mechanisms of emergency notification, military risk precaution, crisis management and conflict control”²⁷. Continual engagement provided by CBM activities allows for all parties to recognize where their interests align more broadly and, consequently, where they can expect more valuable outcomes. Without forcing ultimatums upon the PRC, these cooperative activities conceivably generate future opportunities “on the basis of mutual respect, equality, mutual benefit and all-win cooperation,”²⁸ to create a branch plan away from conflict in the South China Sea.

Endnotes

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⁵ *Ibid.*, 56.

⁶ *Ibid.*, 13.

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¹⁶ Ibid.

¹⁷ Michael Green et al., *Asia-Pacific Rebalance 2025: Capabilities, Presence, and Partnerships* (Washington, DC: Center for Strategic and International Studies, 2016), 198-207, http://csis.org/files/publication/160119_Green_AsiaPacificRebalance2025_Web_0.pdf (accessed February 3, 2016).

¹⁸ Ibid.

¹⁹ The example institutions listed are the International Criminal Police Organization (or OCPI in French) with the full acronym OCPI-INTERPOL shortened in 1946 to INTERPOL (<http://www.interpol.int/About-INTERPOL/Name-and-logo>); IMB-PRC is an acronym abbreviated from ICC IMB-PRC or International Chamber of Commerce's International Maritime Bureau Piracy Reporting Centre (<https://icc-ccs.org/piracy-reporting-centre>); ReCAAP is shorthand for Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia with its 20 member countries including the PRC, created in 2004 and implemented in 2006 at a period where the PRC actively promoted cooperation against non-security threats in the SCS and elsewhere (<http://www.recaap.org/AboutReCAAPISC.aspx>).

²⁰ Green et al., *Asia-Pacific Rebalance 2025: Capabilities, Presence, and Partnerships*, 199.

²¹ Large tech companies including Google (<http://www.dw.com/en/googles-plans-to-expand-internet-access-in-africa-is-about-the-data/a-16903897>) and Facebook (<http://review.gemalto.com/post/facebooks-mission-to-connect-45-billion-people>) are increasingly opening internet access in previously inaccessible parts of the world, including the Western Pacific. <http://review.gemalto.com/post/6-initiatives-bringing-the-worlds-most-remote-islands-online>. These articles were accessed February 11, 2016.

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²⁴ U.S. Pacific Command (USPACOM) presents a logical choice of sponsor, with either a subordinate command taking on dual-hatted responsibilities of a sub-unified command or a service component command such as U.S. Army Pacific Command (USARPAC) assuming this role.

²⁵ *China's Military Strategy* (Beijing: Foreign Languages Press, May 2015), 24.

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²⁷ *China's Military Strategy*, 25.

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